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Corporate: Wichita, KS
East Coast: Ormond Beach, FL

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July 5, 2008

Letter of Appeal – Request for Review/Waiver
CC Docket No. 02-6
CC Docket No. 96-45

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Marlene H. Dortch, Secretary:

This is a "Request for Review/Waiver" for Form 471 Application 637660 and all associated FRNs:

Case # N/A

BEN and Contact Information

Appellant Names:

Dr. Jim Earle, Consultant

David Norman, Authorized Representative

Applicant Name & BEN:

Summit Academy

BEN: 228168

471 Reference & Funding Year:

Form 471: 637660

Funding Year: 2008-2009

Service Provider Information:

Multiple Service Providers

Text of Denial:

**"Your Form 471 application was postmarked on 2/09/2008,
which is after the Funding Year 2008-2009 Funding Year 2008-
2009 filing window closed at 11:59 p.m. EST on Thursday,
February 7, 2008."**

No. of Copies rec'd 0
List ABCDE



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Request for Review and Waiver of USAC Decision on OUT of the FUNDING YEAR WINDOW for Funding Year 2008-2009 on Application 637660.

This request for Review/Waiver is for the 2008-2009 funding year. The reason for this request is that the denial of the requests were based upon the USAC stating that:

“Your Form 471 application was postmarked on 2/09/2008, which is after the Funding Year 2008-2009 Funding Year 2008-2009 filing window closed at 11:59 p.m. EST on Thursday, February 7, 2008.”

It is the contention that the filing of the Form 471 was indeed postmarked within the appropriate timeframe. See attachments referenced in the text of this waiver request.

Waiver Requests. A waiver is a request to waive an FCC policy, rule, or deadline such as the Form 471 application filing window deadline. For example, if you missed the filing deadline for Form 471 because of extenuating circumstances, **USAC cannot** waive the deadline but you can ask the FCC to waive the rules in your case by filing a waiver request with the FCC. UAC advises us that only the FCC can grant a waiver on a missed deadline and only in special circumstances and when a deviation from the rules would serve the public interest. Also, the waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning..

We believe that there were special circumstances and that the waiver will serve the best interests of the students served by Summit Academies in the State of Ohio.

Situation:

The On-Line process for filing was started and not completed - due to being kicked off of the system on several occasions. As a back-up, the Form 471 was completed as a paper copy based on the On-Line information and taken to a local shipping store for delivery to USAC.

February 7, 2008

Item delivered to SAFE SHIP at Halifax Plantation, 3766 Roscommon Drive, Ormond Beach, FL 32174 at 10:15 a.m. (Attachment A)



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Information on Attachment A:

Copy of Receipt; **The receipt is dated on 2-7-'08.** This is within the filing window deadline timeframe.

Further Information: The package was left for delivery and due to the office being busy, we were to come back for the shipping receipt from Fed Ex. On Friday the 8th we called to see if everything was shipped and was informed that they had misplaced the package and it would be shipped out on Saturday morning.

This was totally **out of our control**. On Saturday, I received a copy of the shipping statement with Fed Ex (Attachment B). I asked that they give us a statement that an error had occurred (Attachment C).

Information on Attachment B:

Attachment "B" is the Tracking # of 9217 2659 015. Shipping date "Out of the Window" - Shipping company error.

Information on Attachment C:

Attachment "C" is the statement from the shipping company. This statement demonstrated that the error was made on their part.

Information on Attachment D:

Attachment "D" is the actual notification from the USAC on the decision of "Out of the Window".

Further Supportive Information:

The on-line form was not completed, since it was believed that the paperwork was scheduled for a paper delivery on-time with the filing window deadline.. It was due to circumstances beyond our control that led to the actual stamped date for the Form 471 was the 9th of February.

We believe that the documentation provided demonstrates that everything was completed prior to the Submission date of 2-7-2009 and that the funding requests on this application should be reviewed as being submitted and certified as "In-The-Window". It is our hope that the FCC agrees with this request and grants a WAIVER of the Deadline of February 7th and extends to Summit Academies the right to a PIA Review of the Application as being "CERTIFIED WITHIN THE WINDOW".



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Summit Academies serves several students throughout the State of Ohio and failure for receiving eRate funding will greatly impact the ability of the organization to provide educational services to all students. The eRate application was for almost \$500,000.00 in telecom, internet and basic maintenance services. The purpose of the FCC eRate program is to provide phone and internet access to all students in the country. The granting of this waiver will insure that students in Ohio receive these services.

We sincerely hope that the Waiver Requested will be reviewed and granted within a timely manner, so we may plan for the services to the students of Summit Academies for the Funding Year 2008-2009.

Your immediate attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Earle", written in a cursive style.

Dr. Jim Earle

A handwritten signature in black ink, appearing to read "D. Norman", written in a cursive style.

Mr. David Norman

Attachment "A"



HALIFAX PLANTATION

3766 Roscommon Drive
Ormond Beach, FL 32174
(386) 677-5587
Fax (386) 677-3387

FLAGLER BEACH

2507 Moody Blvd.
Flagler Beach, FL 32136
(386) 439-1522
Fax (386) 439-0843

ORMOND BEACH

124 N. Nova Road
Ormond Beach, FL 32174
(386) 677-7909
Fax (386) 677-7988

F R O M	PHONE #	386-673-9484	DATE:	2-7-08
	PRINT NAME	Mr. James Earle		
	STREET	3005 Monaghan Dr.		
	CITY & STATE	Ormond Bch, FL	32174	ZIP CODE

S E N D T O	PRINT NAME	SLD Forms Attn: SLD Form 471		
	STREET	3833 Greenway Dr.		
	CITY & STATE	Lawrence, Kansas	66046	ZIP CODE
	PHONE	(888) 203-8100		

DESCRIPTION OF ARTICLES

SPECIAL INSTRUCTIONS

Email:

I have read and understand the Terms and Conditions set forth on the back of this form.

YOUR SIGNATURE

x Mrs. J. Earle

DECLARED VALUE

\$

- ☐ RESIDENTIAL DELIVERY
- ☐ CUSTOMER PACKAGED
- ☐ CONTAINS NO FRAGILES
- ☐ OUT OF CONTAINER/OVER 60"

SHIPPING/HANDLING

MATERIALS/PACKING

TAX

1 WEIGHT

TOTAL 35.06

Attachment "B"

PLEASE FOLD THIS SHIPPING DOCUMENT IN HALF AND PLACE IT IN A WAYBILL POUCH AFFIXED TO YOUR SHIPMENT SO THAT THE BARCODE PORTION OF THE LABEL CAN BE READ AND SCANNED. ***WARNING: USE ONLY THE PRINTED ORIGINAL LABEL FOR SHIPPING. USING A PHOTOCOPY OF THIS LABEL FOR SHIPPING PURPOSES IS FRAUDULENT AND COULD RESULT IN ADDITIONAL BILLING CHARGES, ALONG WITH THE CANCELLATION OF YOUR FEDEX ACCOUNT NUMBER.

From: Origin ID: DABA (366) 677-5587
JOE CELIBERTI
SAFE SHIP @ HALIFAX PLANTATION
3766 ROSCOMMON DRIVE



CL9050107/21/23

ORMOND BEACH, FL 32174

SHIP TO: (888) 203-8100

BILL SENDER

SLD FORM 471

SLD FORMS

3833 GREENWAY DRIVE

LAWRENCE, KS 66046

Ship Date: 09FEB08
ActWgt: 1.0 LB MAN
System#: 234344/CAFE2310
Account#: S 275992542

Delivery Address Bar Code



Ref # DR. JAMES EARLE
Invoice #
PO #
Dept #

STANDARD OVERNIGHT

MON

Deliver By:
11FEB08

TRK# 9217 2659 0015

FORM
0201

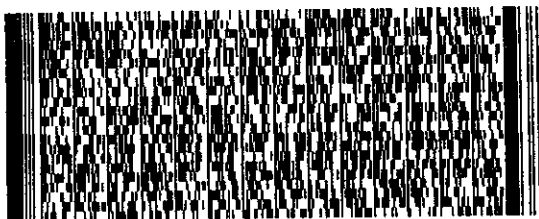
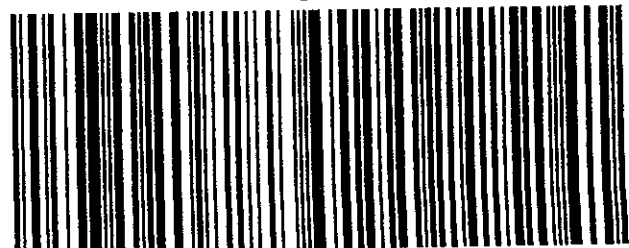
MCI

A2

66046
ASR

-KS-US

XH LWCA



Attachment "C"

Safe Ship
3766 Roscommon Drive
Ormond Beach, FL 32174

Customer came in Thursday,
2/7/08 to ship paperwork
overnight to SLD Forms.
package was accidentally
misplaced and didn't ship
out until Saturday 2/9/08.

Sorry for any problems
Barbara Mancuso

Attachment "D"

USAC

Universal Service Administrative Company

July 5, 2008

Schools and Libraries Division

FUNDING YEAR 2008 FORM 471
POSTMARKED OUTSIDE OF WINDOW

May 7, 2008

JIM EARLE
SUMMITACADEMY
3005 MONAGHAN DR.
ORMOND BEACH, FL 32174

Re: Applicant's Form Identifier: SUMMIT 08
Form 471 Application Number: 637660

Dear JIM EARLE:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 02/09/2008, which is AFTER the Funding Year 2008-2009 filing window closed at 11:59 p.m. EST on Thursday, February 7, 2008.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal a decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant or service provider name,
 - BEN,
 - Application number 637660 as assigned by USAC,
 - "Funding Year 2008 Form 471 Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

Attachment "D"

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company